

FILED
U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
2023 NOV 13 AM 11:19

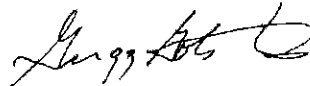
**DECLARATION AND STATEMENT OF CREDITOR GREGG GOLDSTEIN PURSUANT TO
28 U.S.C. § 1746 IN OPPOSITION TO NEWTEK'S MOTION FOR RELIEF FROM STAY IN BANKRUPTCY CASE
NO. 23-41108-11, AND IN OPPOSITION TO DISMISSAL OF THE ADVERSARY CASE NO. 23-04050**

1. I am Gregg Goldstein, a resident of the State of Texas, over the age of eighteen years, and am fully competent to make this declaration. I am unable to appear in person and make this Declaration in support of the above. I am a creditor in Bankruptcy Case no.23-41108-11. The facts stated in this declaration are within my personal knowledge and are true and correct.

SUMMARY

2. As a creditor in the bankruptcy case, for which the plan is to fund unpaid creditors from the litigation recovery, we urge this honorable Court to not dismiss this adversary case against Newtek. Newtek does not want the Court to get into the details of this adversary because as a publicly traded company they have significant liability that they want to cover up. They want to make this go away before having to answer so they can get their SBA guarantee instead of being held accountable for breaching their own payoffs.
3. As a creditor in the bankruptcy case, we also urge this honorable Court to not lift the stay as it is merely another delay tactic by Newtek to exhaust the Debtor's resources and obtain their SBA guarantees before justice can be administered in the Adversary case.
4. As a creditor and interested party, I believe justice would be best served by keeping the automatic stay in place until the adversary case can be tried to a judgment.

FURTHER DECLARANT SAYETH NAUGHT. I declare under penalty of perjury that the foregoing is true and correct. Executed on November 8, 2023.



Gregg Goldstein